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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/632,690

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David Fusari

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Richard Giunta
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210

EXAMINER

SWEARINGEN, JEFFREY R

ART UNIT

PAPER NUMBER

2445

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/632,690	Applicant(s) FUSARI, DAVID	
	Examiner Jeffrey R. Swearingen	Art Unit 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. Applicant's arguments with respect to claims 1-41 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Barry et al. (US 6,615,258).
5. In regard to claims 1, 4, 13, 16, 25, 27, Barry disclosed:
 - (a) *receiving from the first client first information that uniquely identifies an aspect of the first client;* column 11, lines 4-6;
 - (b) *receiving from the remote application server second information that uniquely identifies an aspect of a remote client on which the at least one remote application is emulated;* column 12, lines 5-20
 - (c) *determining that the at least one remote application is emulated on the first client and may belong to the context when the first information matches the second information; and* column 12, lines 15-44
 - (d) *if it is determined in the act (c) that the at least one remote application is emulated on the first client, allowing the at least one remote application and the at least one client application*

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to belong to the context, the context being defined by subject data for at least one subject usable by the at least one client application and the at least one remote application, the subject data comprising, for the at least one subject, a data item having a set of values comprising at least a first value corresponding to the at least one client application and at least a second value corresponding to the at least one remote application, the set of values identifying the at least one subject in the context. Column 12, lines 45-62. The proper apps are allowed to operate on the remote service based on the user context (COUser context)

6. In regard to claims 2, 14, Barry disclosed:

wherein the act (a) comprises an act of receiving from the first client first information that comprises a hardware address for the first client; column 12, lines 3-10 – SSL handshake protocol

wherein the act (b) comprises an act of receiving from the remote application server a hardware address for the remote client on which the at least one remote application is emulated; column 12, lines 3-10 – SSL handshake

and wherein the act (c) comprises an act of determining that the at least one remote application is emulated on the first client and may belong to the context when the hardware address in the first information matches the hardware address in the second information. Column 12, lines 45-62

7. In regard to claims 3, 15, Barry disclosed:

the act (b) comprises an act of receiving, at the remote application server, the hardware address transmitted from the remote client on which the at least one remote application is enabled. column 12, lines 3-10 – SSL handshake protocol

8. In regard to claims 5, 17, 28, Barry disclosed:

each client that emulates a remote application executing on the at least one remote application server logs into the remote application server using login information, wherein the first information comprises the login information for the client on which the first remote application is emulated and the second information comprises the login information for the client on which the

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second remote application is emulated. Column 12, lines 11-20; column 13, line 51 - column 14, line 8

9. In regard to claims 6, 18, 29, Barry disclosed:

the login information comprises a user identifier. Column 12, line 15

10. In regard to claims 7, 19, 30, Barry disclosed:

an act of (e) receiving from the same client information that uniquely identifies the aspect of the client identified by the first information in the act (a) and information that uniquely identifies the aspect of the client identified by the second information in the act (b); and column 12, lines 11-34

wherein the act (c) comprises an act of determining that the first and second remote applications are emulated on the same client and may belong to the same context when the first information matches the second information. Column 12, lines 45-62

11. In regard to claims 8, 20, 31, Barry disclosed:

wherein the act (c) comprises determining that the first and second remote applications are emulated on the same client and may belong to the same context when the first information matches the second information. Column 12, lines 45-62

12. In regard to claims 9, 21, 32, Barry disclosed:

the first information comprises an address of the client on which the first remote application is emulated and the second information comprises an address of the client on which the second remote application is emulated.

13. In regard to claims 10, 12, 22, 24, 33, 35, Barry disclosed:

the first information comprises an internet protocol (IP) address of the client on which the first remote application is emulated and the second information comprises an IP address of the client on which the second remote application is emulated.

14. In regard to claims 11, 23, 35, Barry disclosed:

the first information further comprises an address of the client on which the first remote application is emulated and the second information further comprises an address of the client on

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which the second remote application is emulated. column 12, lines 3-10 – SSL handshake protocol

15. In regard to claim 26, Barry disclosed:

the controller receives from the first client first information that comprises a hardware address for the first client, receives from the remote application server a hardware address for the remote client on which the at least one remote application is emulated, and determines that the at least one remote application is emulated on the first client and may belong to the same context when the hardware address in the first information matches the hardware address in the second information. column 12, lines 3-10 – SSL handshake protocol

16. In regard to claims 36, 38, 40, Barry disclosed:

(e) if it is determined in the act (c) that the at least one remote application is not emulated on the first client, preventing the at least one remote application and the at least one client application from belonging to the context. Column 12, line 63- column 13, line 13

17. In regard to claims 37, 39, 41, Barry disclosed:

(e) if it is determined in the act (c) that the at least one remote application is not emulated on the first client, preventing the first and second remote applications from belonging to the same context. Column 12, line 63- column 13, line 13

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

19. De Jong US 6,385,645

20. Bowman-Amuah US 6,496,850

21. King et al. US 6,976,164

22. Ahlberg et al. US 6,587,836

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Donaghue can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey R. Swearingen
Examiner
Art Unit 2445

/J. R. S./
Examiner, Art Unit 2445

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2445